

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re GRAND JURY
INVESTIGATION 05-01

No. 06-165M

In re Material Witness:

DETENTION ORDER
Material Witness

DANA MICHELLE WUTZKE

Charge: Material Witness

Date of Detention Hearing: April 11, 2006

The Court, having conducted a detention hearing pursuant to 18 U.S.C. §§ 3142(f) and 3144, and based upon the factual findings and statement of reasons hereafter set forth, finds that detention is necessary to adequately secure the testimony of the material witness, and to prevent a failure of justice.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Ms. Wutzke was arrested on a material witness warrant in a matter currently pending before the grand jury, upon a finding that she had material evidence to provide and that it was impracticable to secure her presence by subpoena. She made her initial appearance in this Court on April 11, 2006.

(2) The United States has moved to detain Ms. Wutzke pursuant to 18 U.S.C. § 3144 pending her appearance before the grand jury.

(3) There is an immigration detainer lodged against the witness.

01 (4) Defendant has stipulated to detention, but reserves the right to contest her
02 continued detention if there is a change in circumstances.

03 (5) The material witness is viewed as a risk of nonappearance based on her
04 unknown background information and lack of information about any ties to this community
05 or to the Western District of Washington.

06 (6) The Court finds that further detention is necessary to prevent a failure of
07 justice. The material witness will be detained until her testimony can adequately be secured.

08 It is therefore ORDERED:

09 (1) The material witness shall be detained pending the taking of her testimony and
10 committed to the custody of the Attorney General for confinement in a
11 correction facility separate, to the extent practicable, from persons awaiting or
12 serving sentences, or being held in custody pending appeal;

13 (2) The material witness shall be afforded reasonable opportunity for private
14 consultation with counsel;

15 (3) On order of a court of the United States or on request of an attorney for the
16 government, the person in charge of the corrections facility in which material
17 witness is confined shall deliver the material witness to a United States
18 Marshal for the purpose of an appearance in connection with a court
19 proceeding or for providing testimony in connection with a case pending in
20 this Court; and

21 (4) The Clerk shall direct copies of this Order to counsel for the United States,
22 counsel for the material witness, the United States Marshal, and the United
23 States Pretrial Services Officer.

24 DATED this 11th day of April, 2006.

25 
26 JAMES P. DONOHUE
United States Magistrate Judge